



INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

10/524353

Applicant's or agent's file reference PAT 54007W-90		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA 03/01245	International filing date (day/month/year) 19.08.2003	Priority date (day/month/year) 19.08.2002	
International Patent Classification (IPC) or both national classification and IPC H04L29/06			
Applicant RESEARCH IN MOTION LIMITED et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 1 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 12.03.2004		Date of completion of this report 29.11.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Kopp, K Telephone No. +49 89 2399-7833 	

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-35 as originally filed

Claims, Pages

37-39 as originally filed

36 filed with telefax on 17.11.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-20
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US 2002/031230 A1 (YU JOHN J ET AL) 14 March 2002 (2002-03-14)

2. The subject-matter of independent claim 1 is not inventive (Article 33(3) PCT).

The document D1 (the references in parentheses applying to this document) discloses insofar the subject-matter of claim 1 is clear:

a system of securely controlling a wireless mobile communication device, comprising

- each domain including an asset of the wireless mobile communication device (paragraphs 171, 172; interpreting "domain" as "music club"; an "asset" as "Classical Gold Membership"; and "wireless communication device" as "wireless web system"); and
- a domain controller configured to receive a request to perform an operation affecting at least one of the assets, to determine whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset, and to permit completion of the operation where the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset (paragraph 172; said features interpreted as "consumer-member having a member account and appropriate credentials for his section of the club (domain) along with the downloaded member client software for his "player devices". The music would be encrypted with the appropriate credentials. Thus he could listen to any of the club's "classical gold" library anytime he wanted, but could record none of it").

The subject-matter of claim 1 differs from the disclosure in D1 in that

- a plurality of domains residing on a wireless mobile communications device,

The associated problem is of how to realize a system granting different access rights for different applications on a wireless mobile communications device.

Document D1 discloses that many other types of content can be sold with this type of security service to wired and wireless consumers. Examples for said other types of information are general news, sports news and financial news and services (D1, paragraphs 174-186).

Therefore, a person skilled in the art looking for a solution for the above mentioned problem would regard it as a straight forward design measure to integrate multiple domains each of the domains including an asset instead of a single domain including an asset within the wireless communication device and thereby arriving at the subject-matter of claim 1 without being inventive.

3. The same reasoning applies, mutatis, mutandis, to the subject-matter of the corresponding independent claim 11, which therefore is also considered not inventive (Article 33(3) PCT).
4. Dependent claims 2-9 and 12-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because these features are either known from D1 (e.g. at least one domain includes a software application; the domain controller is permitted to complete the operation where the operation is permitted by the properties in the data store; receiving information) or common measures (e.g. the entity is part of the domain; verifying a digital signature of the software application using a cryptographic key associated with the domain), obvious for a person skilled in the art.
5. **Certain observations on the international application**, i.e. remarks concerning the claims which do not meet the requirements of Article 6 PCT:

5.1 The terms

- "securely controlling", used in claim 1 and "secure control", used in claim 11;
- "asset", "assets" used in claims 1, 2, 3, 11, 12, 13;
- "super user software application", used in claims 5, 6;
- "persistent data", used in claim 8;
- "particular software application", used in claim 10

have no well-recognized meaning and leave the reader in doubt as to the meaning of the technical features to which they refer and therefore rendering the scope of protection of said claims unclear.

The person skilled in the art would not know which of the control measures available before the priority date of the application must be applied to achieve "securely controlling" resp. "secure control".

The meaning of the term "asset" is related to business management and finances. However, according to the description, page 7, lines 8-9, mobile device communication assets are communication pipes.

The meaning of the term "super user software application" is introduced in the description on page 12, lines 14-16 the first time. Here, super user software applications are defined as members of multiple domains. However, a person skilled in the art, reading the expression "super user software application" would interpret it as system management software for a super user of an UNIX type computer operating system.

The meaning of the expression "particular software application" is not clear, because it is not clear which of all particular software applications available before the priority date of the application is meant.

- 5.2 The technical meaning of the expression "at least one domain comprises a plurality of domains", used in claim 5, is not clear.

The description page 20, lines 8-17 defines "A finer grained control ..., subdomains..." and "a subdomain being a domain that lies in another domain". Therefore, it is assumed that the "at least one domain" is to be read as "domain" resp. "parent domain" and the expression "a plurality of domains" is to be read as "a plurality of subdomains".

A further definition for the term "domain" is found on the description, page 9, lines 19-22 "A domain is a collection of objects that share a common level of trust, and can be owned and controlled by a mobile device stakeholder, such as a mobile device user, a mobile device owner, a carrier or a service provider". However, the expression stakeholder stems from business matters.

- 5.3 The vague and imprecise statement in the description on page 35, lines 24-27 "Many variations on the systems and methods described above will be obvious to those knowledgeable in the field, and such obvious variations are within the scope of the invention as described and claimed, whether or not expressly described"

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implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity when used to interpret them.

- 5.4 The vague and imprecise statement in the description on page 5, lines 9-10 "which is hereby incorporated by reference" implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity when used to interpret them.
- 5.5 It is also noted, that the Applicant's argumentation with respect to the observations is based on the wrong citations.

According to the Applicant, in the description, page 16, lines 14-16 it is disclosed an example of a "super user software application". The International Preliminary Examination Authority cannot agree for the following reason: page 16, lines 14-16 reads as "internationalized without recompiling a software application. The following property identifies a server with which a software application interacts:". However, this statement does not define a "super user software application".

Also, the Applicants citation "A subdomain is a domain that lies within another domain" is not disclosed on page 27, line 4. However, this passage is mentioned in the description on page 20, line 10.